

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00024-04

BRIAN STEPP

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 7, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and the defendant, Brian Stepp, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 35-month term of supervised release in this action on July 27, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 2, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated state and local law on November 4, 2018, when he was found driving a vehicle on the public highway while his driver's license was suspended and he had no proof of insurance; (2) the defendant used and possessed controlled substances as evidenced by his admission on November 4, 2018, to a law enforcement officer that he had consumed methamphetamine approximately two days prior, at which time he failed a field sobriety test; his admission to the probation officer on October 10, 2018, that he consumed methamphetamine on two separate occasions; his admission to the probation officer on November 8, 2018, that he consumed methamphetamine; and a positive urine specimen submitted by him on December 7, 2018, for methamphetamine, the defendant having admitted to the probation officer that he ingested methamphetamine a few days prior; (3) the defendant failed to participate in substance abuse counseling and treatment as directed for the months of September and October 2018; and (4) the defendant failed to submit to random urine screens as instructed on August 23, September 12 and 21, October 12 and 22, and November 21, 2018;

all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

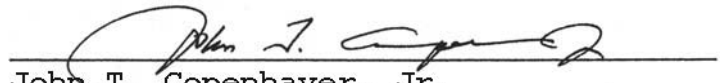
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant: (1) be designated to an institution consistent with him being able to receive medical care and counseling to assist with his addiction; and (2) to the extent compatible with the first recommendation, be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 15, 2019


John T. Copenhaver, Jr.
Senior United States District Judge